

U.S. Customs Service

General Notices

EXTENSION OF AND CHANGES TO THE GENERAL PROGRAM TEST REGARDING POST ENTRY AMENDMENT PROCESSING

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This document announces that the general program test regarding post entry amendment processing is being extended for a one year period. The document also announces minor modifications to the test: a database enhancement that permits participants to use any Microsoft Word software to interface with Customs database and a change of the location to where quarterly reports should be mailed. Also, the document announces that the database program name has changed to "Post Summary Adjustment." Except for these changes, the test will continue to operate in accordance with the notice published in the Federal Register on November 28, 2000.

DATES: The test allowing post entry amendment to entry summaries is extended to December 31, 2003.

FOR FURTHER INFORMATION CONTACT: Debbie Scott (202/927-1962) or Don Yando (Chief; 202/927-1082), Entry and Drawback Management Branch, Office of Field Operations.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Customs announced and explained the post entry amendment processing test in a general notice document published in the Federal Register (65 FR 70872) on November 28, 2000. That notice announced that the test would commence no earlier than December 28, 2000, and run for approximately one year. On January 7, 2002, Customs published a general notice in the Federal Register (67 FR 768) extending the test for a one year period to December 31, 2002.

The test allows importers to amend entry summaries (not informal entries) prior to liquidation by filing with Customs either an individual amendment letter upon discovery of an error or a quarterly tracking report covering any errors that occurred during the quarter. The Novem-

ber 28, 2000, general notice explained how to file post entry amendments for revenue related errors and non-revenue related errors and the consequences of misconduct by importers during the test. It also provided that there are no application procedures or eligibility requirements.

This document announces that the test is being extended to December 31, 2003. To participate in the test, an importer need only follow the procedure for making a post entry amendment set forth in the November 28, 2000, general notice.

In addition, based on comments received in response to the November 28, 2000, general notice and Customs evaluation of the program, Customs is making two changes to the test. The first pertains to the kind of software that is required to participate in the test. Up to now, a test participant needed Microsoft Word 97 or 98 to interface with the program database. Now, due to an enhancement of the database, a participant may use any Microsoft Word software to interface with the database.

The second change pertains to the mailing of quarterly reports to Customs. Up to now, quarterly reports were mailed to Customs Headquarters. Now, these reports must be mailed to the port director of the port of entry handling the entry summaries involved.

Both of these changes are effective upon publication of this document in the Federal Register.

Finally, Customs notes that the name for the test under the database has been changed from "Post Entry Amendment" to "Post Summary Adjustment." The test program itself will continue to be known as the "Post Entry Amendment" (or PEA) test program. Customs also notes that the test may be further extended if warranted. Additional information on the post entry amendment procedure can be found under "Importing and Exporting" at <http://www.customs.gov>.

Dated: February 12, 2003.

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, February 20, 2003 (68 FR 8329)]

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, DC, February 19, 2003.

The following documents of the United States Customs Service, Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and U.S. Customs Service field offices to merit publication in the Customs Bulletin.

MICHAEL T. SCHMITZ,
Assistant Commissioner,
Office of Regulations and Rulings.

MODIFICATION OF RULING LETTERS AND REVOCATION OF
TREATMENT RELATING TO THE TARIFF CLASSIFICATION
OF GRADUATED COMPRESSION STOCKINGS AND HOSIERY

AGENCY: U.S. Customs Service; Department of the Treasury.

ACTION: Notice of modification of tariff classification ruling letters and treatment relating to the classification of graduated compression stockings and hosiery.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs is modifying seven ruling letters relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of graduated compression stockings and hosiery. Similarly, Customs is revoking any treatment previously accorded by it to substantially identical merchandise. No comments were received in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after May 5, 2003.

FOR FURTHER INFORMATION CONTACT: Timothy Dodd, Textiles Branch: (202) 572-8819.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L.

103–182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are **“informed compliance”** and **“shared responsibility.”** These concepts are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on Customs to provide the public with improved information concerning the trade community’s responsibilities and rights under the Customs and related laws. In addition, both the trade and Customs share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable Customs to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the January 8, 2003, CUSTOMS BULLETIN, Volume 37, Number 2, proposing to modify seven rulings relating to the tariff classification of graduated compression stockings and hosiery.

In New York Ruling Letter (NY) B87014, dated August 6, 1997, NY E82160, dated June 10, 1999, and NY E82592, NY E82593, NY E82594, NY E82595, and NY E82596, all dated June 11, 1999, the Customs Service classified hosiery providing a graduated compression ranging from 20–30 mm Hg in subheading 6115.12.2000, 6115.92.9000, or 6115.93.9020, HTSUSA, as other panty hose or stockings.

It is now Customs determination that the proper classification for the hosiery considered in those rulings, having a graduated compression range of 20–30 mm Hg, is either subheading 6115.12.1000, 6115.92.3000, or 6115.93.3000, HTSUSA, as surgical panty hose or stockings with graduated compression for orthopedic treatment. Headquarters Ruling Letter (HQ) 965914 (Attachment A) modifying NY B87014; HQ 965916 (Attachment B) modifying NY E82160; HQ 965917 (Attachment C) modifying NY E82592; HQ 965918 (Attachment D) modifying NY E82593; HQ 965919 (Attachment E) modifying NY E82594; HQ 965920 (Attachment F) modifying E82595; and HQ 965921 (Attachment G) modifying NY E82596 are set forth in the Attachments to this document.

Although in this notice Customs is specifically referring to seven New York Ruling Letters, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. Any party who has received an interpretive ruling or decision (*i.e.*, a ruling letter, an internal advice memorandum or decision or a protest review decision) on the merchandise subject to this notice, should have advised Customs during the comment period.

Pursuant to 19 U.S.C. 1625(c)(1), Customs is modifying New York Ruling Letter (NY) B87014, NY E82160, and NY E82592, NY E82593, NY E82594, NY E82595, and NY E82596, and any other ruling not specifically identified to reflect the proper classification of the merchandise pursuant to the analyses set forth in HQ 965914, HQ 965916, HQ 965917, HQ 965918, HQ 965919, HQ 965920 and HQ 965921, *supra*. Additionally, pursuant to section 1625(c)(2), Customs is revoking any treatment previously accorded by Customs to substantially identical merchandise.

In accordance with 19 U.S.C. 1625(c), this ruling will become effective 60 days after publication in the CUSTOMS BULLETIN.

Dated: February 12, 2003.

JOHN ELKINS,
(for Myles B. Harmon, Director,
Commercial Rulings Division.)

[Attachments]

[ATTACHMENT A]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, February 12, 2003.
CLA-2 RR:CR:TE 965914 ttd
Category: Classification
Tariff No. 6115.12.1000 and 6115.93.3000

MR. JEROEN HONDEMAN
INTERNATIONAL TRADE ADVISOR
THE NETHERLANDS CHAMBER OF COMMERCE
*2015 South Park Place, Suite 110
Atlanta, GA 30339*

Re: Modification of New York Ruling Letter B87014, dated August 6, 1997; Classification of Medical Graduated Compression Stockings and Panty Hose.

DEAR MR. HONDEMAN:

This letter concerns New York Ruling Letter (NY) B87014, issued to you on August 6, 1997, regarding the tariff classification of medical compression stockings and panty hose under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). After review of that ruling, Customs has determined that the classification for two of the five styles considered has changed from other panty hose or stockings to surgical panty hose or stockings with graduated compression for orthopedic treatment. For the reasons that follow, this ruling modifies, in part, NY B87014.

Pursuant to section 625(c)(1) Tariff Act of 1930 (19 U.S.C. 1625(c)(1)) as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-82, 107 Stat. 2057, 2186), notice of the proposed modification of NY B87014 was published on January 8, 2003, in the CUSTOMS BULLETIN, Volume 37, Number 2. As explained in the notice, the period within which to submit comments on this proposal was until February 7, 2003. No comments were received in response to this notice.

Facts:

The articles under consideration are two styles of compression hosiery, identified in NY B87014 as Style SOFT 241 and Style STRONG 261, which has two types: stocking or

panty hose. In NY B87014, Customs described Style SOFT 241 and Style STRONG 261 as follows:

Style SOFT 241 25–32 mmHg^[1] below knee, mid thigh, thigh w/belt 62% polyamide, 32% elastane

Style STRONG 261 25–32 mmHg below knee, mid thigh, thigh, thigh w/belt pantyhose, maternity pantyhose, pantyhose for a man 39% polyamide, 30% elastodiene, 29% polyester, 2% elastane

In NY B87014, we classified Style SOFT 241 (style 241) and the stocking version of Style STRONG 261 (style 261) in subheading 6115.93.9020, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of synthetic fibers: Other: Other.” The panty hose version of style 261 was classified under subheading 6115.12.2000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Panty hose and tights: Of synthetic fibers, measuring per single yarn 67 decitex or more: Other.”

We presume, as we did in NY B87014, that the measurement per single yarn is 67 decitex or more. We note that at the time NY B87014 was issued we considered the following:

It is Customs position that surgical compression hosiery, because of their construction and application of use were more than simply compression stockings to treat varicose veins. This hosiery is generally of heavy gauge, opaque, of elasticized knit fabric with either one-way or two-way stretch and is designed to supply compression in the ranges of 30–40 mm mercury to 50–60 mercury. They are prescribed by physicians for the treatment of venous diseases and other serious conditions such as reversible and irreversible lymphedema and severe post-thrombotic treatment.

Clinical studies have indicated that surgical stockings for ambulatory patients have a minimum compression 30 mm mercury; have recommended compression figures well above 30 mm mercury for the more serious venous disorders concluding that “a stocking giving less than 30 mm mercury at the ankle is only able to remove a small amount of vespertine ankle edema”; compression stockings of less than 30mm mercury are ineffective in the treatment of ambulatory venous disorders; and that hosiery of less than 30mm mercury for such applications as “for tired and heavy legs, mild swelling, prolonged sitting or standing, etc.” are indicative of support hosiery rather than for the specific requirements of surgical stockings.

Issue:

What is the proper classification of the subject graduated compression stockings and panty hose under the HTSUSA?

Law and Analysis:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI taken in order. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings.

Heading 6115, HTSUSA, provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted.” The articles under consideration are made of synthetic fibers and it is presumed for the purposes of this ruling that the yarns measure 67 decitex or more.

In HQ 963517 and HQ 963518, both dated January 2, 2002, Customs classified stockings with graduated compression ranging 20–30 mm Hg as surgical stockings for orthopedic treatment. To reach our decision, we considered a study evaluating the effects of duration of use of class I (20–30 mm Hg) graduated compression hosiery. See Robert Weiss, Neil Sadick, Mitchel Goldman, & Margaret Weiss, *Post-Sclerotherapy Compression: Controlled Comparative Study of Duration of Compression and its Effects on Clinical Outcome*

¹ Compression is measured by how much pressure is required to elevate a column of Mercury (Hg) a certain distance, as measured in millimeters (mm).

DERMATOL SURG, 35: 105–108 (1999). This study essentially persuaded our office that compression greater than 20 mm Hg is presently considered necessary for reduction of venous insufficiency.² We noted certain statements made in the study, including “* * * in terms of controlling objective and subjective parameters of venous insufficiency no difference was found between class I (20–30 mm Hg) and class II (30–40 mm Hg) compression stockings.” Based on our review, we found that the study suggested that sclerotherapy results overall can be significantly improved by class I compression and should be part of the post-operative sclerotherapy protocol. In citing other studies, the study concluded that class I (20–30 mm Hg) compression may be recommended over class II since patient compliance is much higher and symptom improvement is identical. See Jungbeck C, Thulin I, Darenheim C, Norgen L. *Graduated Compression Treatment in Patients with Chronic Venous Insufficiency; A Study Comparing Low and Medium Grade Compression Stockings*. PHLEBOLOGIE, 12:142–5 (1997).

Moreover, during our review of HQ 963517 and HQ 963518, this office examined several letters from vascular surgeons and dermatologists familiar with the beneficial effects of compression on the venous system. The letters indicated consensus within the medical community that surgical stockings with graduated compression of 20–30 mm Hg are principally used for orthopedic purposes and are primarily prescribed by physicians to prevent or correct bodily deformities and the consequences associated with venous disease. The letters established that it is widely recognized that 20 mm Hg of compression is considered necessary for the treatment of venous disease. We noted in HQ 963517 and HQ 963518 that the physicians stated that they recommend using surgical supports with graduated compression of 20 to 30 mm Hg for several reasons: to prevent telangiectatic matting following sclerotherapy, to prevent thrombus formation and phlebotic reactions following sclerotherapy, to reduce post-operative edema, to prevent venous ulcerations, to prevent venous dermatitis and as treatment protocol for post-operative invasive vascular procedures.

In HQ 963517 and HQ 963518, Customs determined that physicians generally recommend graduated compression therapy as a treatment for venous insufficiency. We further recognized that graduated compression hosiery is generally available in three classes of compression; class I specifically covers a compression range of 20–30 mm Hg. We found that physicians generally prescribe compression stockings and that doctors indicated that patients generally find the hosiery uncomfortable and do not wear them unless directed by a doctor. Moreover, letters from medical authorities and conversations with medical professionals confirmed that certified and well-trained personnel must measure various parts of the foot and leg of a patient in order to obtain a proper fit for the stockings. We also found that pharmacies and medical supply companies prefer that a patient have a prescription that prescribes the amount of compression and noted that stockings obtained by prescription are often covered by insurance. We observed that graduated compression stockings are significantly more expensive than support hosiery of the types generally found in retail stores, noting that panty hose with 20–30 mm Hg compression typically sell for approximately \$75.00 to \$100.00 and similar thigh-high stockings typically sell for \$60.00 to \$95.00 per pair.

Accordingly, in HQ 963517 and HQ 963518, we concluded that surgical panty hose and stockings with graduated compression ranging from 20–30 mm Hg should be considered surgical hosiery with graduated compression for orthopedic treatment when prescribed by a physician and/or specially fitted to the patient.

As the stockings and panty hose under consideration have a minimum compression of 25 mm Hg, presuming they are prescribed by a physician or professionally fitted, Customs finds that the merchandise is within the scope of surgical panty hose and stockings with graduated compression for orthopedic treatment.

Holding:

Styles 241 and 261 (below the knee, mid-thigh, thigh, thigh with belt) are classified under subheading 6115.93.3000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without

² The partial failure of leg veins to carry blood up towards the heart results in venous disorders, which vary in severity from mild varicosity to deep vein thrombosis and thromboembolism. The use of graduated compression stockings is one of the methods used in the prevention and treatment of these disorders. The stockings are constructed so that the maximum pressure is exerted at the ankle and gradually decreasing up the leg, thus achieving a milking effect that helps blood rise toward the heart.

applied soles, knitted or crocheted: Other: Of synthetic fibres: Surgical stockings with graduated compression for orthopedic treatment.” The general column one rate of duty is “Free.”

Style 261 (pantyhose, maternity pantyhose and pantyhose for a man) is classified under subheading 6115.12.1000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Panty hose and tights: Of synthetic fibers, measuring per single yarn 67 decitex or more: Surgical panty hose with graduated compression for orthopedic treatment.” The general column one rate of duty is “Free.”

NY B87014 is hereby MODIFIED, in part. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the CUSTOMS BULLETIN.

JOHN ELKINS,
(for Myles B. Harmon, Director,
Commercial Rulings Division.)

[ATTACHMENT B]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, February 12, 2003.

CLA-2 RR:CR:TE 965916 ttd
Category: Classification
Tariff No. 6115.12.1000

MR. TOM MIESEN
GLORIA-MED AMERICA, INC.
1813 E. John Sims Parkway, Suite 3
Niceville, FL 32578

Re: Modification of New York Ruling Letter E82160, dated June 10, 1999; Classification of Medical Graduated Compression Panty Hose.

DEAR MR. MIESEN:

This letter concerns New York Ruling Letter (NY) E82160, issued to you on June 10, 1999, regarding the tariff classification of medical compression panty hose under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). After review of that ruling, Customs has determined that the classification for two out of the three styles considered has changed from subheading 6115.12.2000, HTSUSA, as other panty hose to subheading 6115.12.1000, HTSUSA, as surgical panty hose with graduated compression for orthopedic treatment. For the reasons that follow, this ruling modifies, in part, NY E82160.

Pursuant to section 625(c)(1) Tariff Act of 1930 (19 U.S.C. 1625(c)(1)) as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-82, 107 Stat. 2057, 2186), notice of the proposed modification of NY E82160 was published on January 8, 2003, in the CUSTOMS BULLETIN, Volume 37, Number 2. As explained in the notice, the period within which to submit comments on this proposal was until February 7, 2003. No comments were received in response to this notice.

Facts:

The articles under consideration are two styles of compression panty hose, identified in NY E82160 as Style Lady Gloria 24 and Style Soft 151. Style Lady Gloria 24 is comprised of 76 percent polyamide and 24 percent elastane fabric, with a decitex of 226 and supplies graduated compression ranging from 20–30 mm Hg.¹ Style Soft 151 is comprised of 68 percent polyamide and 32 percent elastane fabric, with a decitex of 486 and supplies compression in the range of 20–30 mm Hg.

¹ Compression is measured by how much pressure is required to elevate a column of Mercury (Hg) a certain distance, as measured in millimeters (mm).

In NY E82160, we classified Style Lady Gloria 24 and Style Soft 151 in subheading 6115.12.2000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Panty hose and tights: Of synthetic fibers, measuring per single yarn 67 decitex or more: Other.” We note that at the time NY E82160 was issued we considered the following:

It is Customs position that surgical compression hosiery, because of their construction and application of use, are more than simple compression stockings to treat varicose veins. The hosiery is made of heavy gauge, opaque, elasticized knit fabric, and is designed to supply compression in the range of 30–40 mm mercury to 50–60 mm mercury. They are prescribed by physicians for the treatment of venous diseases and other serious conditions such as reversible and irreversible lymphedema and severe post-thrombotic treatment.

Issue:

What is the proper classification of the subject graduated compression panty hose under the HTSUSA?

Law and Analysis:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI taken in order. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings.

Heading 6115, HTSUSA, provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted.”

In HQ 963517 and HQ 963518, both dated January 2, 2002, Customs classified stockings with graduated compression ranging 20–30 mm Hg as surgical stockings for orthopedic treatment. To reach our decision, we considered a study evaluating the effects of duration of use of class I (20–30 mm Hg) graduated compression hosiery. See Robert Weiss, Neil Sadick, Mitchel Goldman, & Margaret Weiss, *Post-Sclerotherapy Compression: Controlled Comparative Study of Duration of Compression and its Effects on Clinical Outcome* DERMATOL SURG, 35: 105–108 (1999). This study essentially persuaded our office that compression greater than 20 mm Hg is presently considered necessary for reduction of venous insufficiency.² We noted certain statements made in the study, including “* * * in terms of controlling objective and subjective parameters of venous insufficiency no difference was found between class I (20–30 mm Hg) and class II (30–40 mm Hg) compression stockings.” Based on our review, we found that the study suggested that sclerotherapy results overall can be significantly improved by class I compression and should be part of the post-operative sclerotherapy protocol. In citing other studies, the study concluded that class I (20–30 mm Hg) compression may be recommended over class II since patient compliance is much higher and symptom improvement is identical. See Jungbeck C, Thulin I, Darenheim C, Norgen L. *Graduated Compression Treatment in Patients with Chronic Venous Insufficiency; A Study Comparing Low and Medium Grade Compression Stockings*. PHLEBOLOGIE, 12:142–5 (1997).

Moreover, during our review of HQ 963517 and HQ 963518, this office examined several letters from vascular surgeons and dermatologists familiar with the beneficial effects of compression on the venous system. The letters indicated consensus within the medical community that surgical stockings with graduated compression of 20–30 mm Hg are principally used for orthopedic purposes and are primarily prescribed by physicians to prevent or correct bodily deformities and the consequences associated with venous disease. The letters established that it is widely recognized that 20 mm Hg of compression is considered

² The partial failure of leg veins to carry blood up towards the heart results in venous disorders, which vary in severity from mild varicosity to deep vein thrombosis and thromboembolism. The use of graduated compression stockings is one of the methods used in the prevention and treatment of these disorders. The stockings are constructed so that the maximum pressure is exerted at the ankle and gradually decreasing up the leg, thus achieving a milking effect that helps blood rise toward the heart.

necessary for the treatment of venous disease. We noted in HQ 963517 and HQ 963518 that the physicians stated that they recommend using surgical supports with graduated compression of 20 to 30 mm Hg for several reasons: to prevent telangiectatic matting following sclerotherapy, to prevent thrombus formation and phlebitic reactions following sclerotherapy, to reduce post-operative edema, to prevent venous ulcerations, to prevent venous dermatitis and as treatment protocol for post-operative invasive vascular procedures.

In HQ 963517 and HQ 963518, Customs determined that physicians generally recommend graduated compression therapy as a treatment for venous insufficiency. We further recognized that graduated compression hosiery is generally available in three classes of compression; class I specifically covers a compression range of 20–30 mm Hg. We found that physicians generally prescribe compression stockings and that doctors indicated that patients generally find the hosiery uncomfortable and do not wear them unless directed by a doctor. Moreover, letters from medical authorities and conversations with medical professionals confirmed that certified and well-trained personnel must measure various parts of the foot and leg of a patient in order to obtain a proper fit for the stockings. We also found that pharmacies and medical supply companies prefer that a patient have a prescription that prescribes the amount of compression and noted that stockings obtained by prescription are often covered by insurance. We observed that graduated compression stockings are significantly more expensive than support hosiery of the types generally found in retail stores, noting that panty hose with 20–30 mm Hg compression typically sell for approximately \$75.00 to \$100.00 and similar thigh-high stockings typically sell for \$60.00 to \$95.00 per pair.

Accordingly, in HQ 963517 and HQ 963518, we concluded that surgical panty hose and stockings with graduated compression ranging from 20–30 mm Hg should be considered surgical hosiery with graduated compression for orthopedic treatment when prescribed by a physician and/or specially fitted to the patient.

As the subject styles of panty hose both have a graduated compression range of 20–30 mm Hg and are prescribed by a physician, Customs finds that the instant graduated compression hosiery is within the scope of subheading 6115.12.1000, HTSUSA, providing for surgical panty hose with graduated compression for orthopedic treatment.

Holding:

Based on the foregoing, Style Lady Gloria 24 and Style Soft 151 are classified under subheading 6115.12.1000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Panty hose and tights: Of synthetic fibers, measuring per single yarn 67 decitex or more: Surgical panty hose with graduated compression for orthopedic treatment.” The general column one rate of duty is “Free.”

NY E82160 is hereby MODIFIED, in part. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the CUSTOMS BULLETIN.

JOHN ELKINS,
(for Myles B. Harmon, Director,
Commercial Rulings Division.)

[ATTACHMENT C]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, February 12, 2003.

CLA-2 RR:CR:TE 965917 ttd
Category: Classification
Tariff No. 6115.92.3000

MR. TOM MIESEN
GLORIA-MED AMERICA, INC.
1813 E. John Sims Parkway, Suite 3
Niceville, FL 32578

Re: Modification of New York Ruling Letter E82592, dated June 10, 1999; Classification of Medical Graduated Compression Hosiery.

DEAR MR. MIESEN:

This letter concerns New York Ruling Letter (NY) E82592, issued to you on June 11, 1999, regarding the tariff classification of compression hosiery under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). After review of that ruling, Customs has determined that the classification for one of the two styles considered has changed from subheading 6115.92.9000, as stockings to subheading 6115.92.3000, HTSUSA, as surgical stockings with graduated compression for orthopedic treatment. For the reasons that follow, this ruling modifies, in part, NY E82592.

Pursuant to section 625(c)(1) Tariff Act of 1930 (19 U.S.C. 1625(c)(1)) as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-82, 107 Stat. 2057, 2186), notice of the proposed modification of NY E82592 was published on January 8, 2003, in the CUSTOMS BULLETIN, Volume 37, Number 2. As explained in the notice, the period within which to submit comments on this proposal was until February 7, 2003. No comments were received in response to this notice.

Facts:

The article under consideration is one style of compression hosiery, identified in NY E82592 as Style Cotton 162 (style 162). Style 162 is comprised of 66 percent cotton, 17 percent polyamide and 17 percent elastane fabric, with a decitex of 486. Style 162 supplies graduated compression ranging from 20–30 mm Hg¹ and is prescribed by a physician.

In NY E82592, Customs classified style 162 in subheading 6115.92.9000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of cotton: Other: Other.” We note that at the time NY E82592 was issued we considered the following:

It is Customs position that surgical compression hosiery, because of their construction and application of use, are more than simple compression stockings to treat varicose veins. The hosiery is made of heavy gauge, opaque, elasticized knit fabric, and is designed to supply compression in the range of 30–40 mm mercury to 50–60 mercury. They are prescribed by physicians for the treatment of venous diseases and other serious conditions such as reversible and irreversible lymphedema and severe post-thrombotic treatment.

Issue:

What is the proper classification of the subject graduated compression hosiery under the HTSUSA?

Law and Analysis:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI taken in order. The Harmonized Commodity Description and Coding System Explan-

¹ Compression is measured by how much pressure is required to elevate a column of Mercury (Hg) a certain distance, as measured in millimeters (mm).

atory Notes (EN), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings.

Heading 6115, HTSUSA, provides for "Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted."

In HQ 963517 and HQ 963518, both dated January 2, 2002, Customs classified stockings with graduated compression ranging 20–30 mm Hg as surgical stockings for orthopedic treatment. To reach our decision, we considered a study evaluating the effects of duration of use of class I (20–30 mm Hg) graduated compression hosiery. See Robert Weiss, Neil Sadick, Mitchel Goldman, & Margaret Weiss, *Post-Sclerotherapy Compression: Controlled Comparative Study of Duration of Compression and its Effects on Clinical Outcome* DERMATOL SURG, 35: 105–108 (1999). This study essentially persuaded our office that compression greater than 20 mm Hg is presently considered necessary for reduction of venous insufficiency.² We noted certain statements made in the study, including " * * * in terms of controlling objective and subjective parameters of venous insufficiency no difference was found between class I (20–30 mm Hg) and class II (30–40 mm Hg) compression stockings." Based on our review, we found that the study suggested that sclerotherapy results overall can be significantly improved by class I compression and should be part of the post-operative sclerotherapy protocol. In citing other studies, the study concluded that class I (20–30 mm Hg) compression may be recommended over class II since patient compliance is much higher and symptom improvement is identical. See Jungbeck C, Thulin I, Darenheim C, Norgen L. *Graduated Compression Treatment in Patients with Chronic Venous Insufficiency; A Study Comparing Low and Medium Grade Compression Stockings*. PHLEBOLOGIE, 12:142–5 (1997).

Moreover, during our review of HQ 963517 and HQ 963518, this office examined several letters from vascular surgeons and dermatologists familiar with the beneficial effects of compression on the venous system. The letters indicated consensus within the medical community that surgical stockings with graduated compression of 20–30 mm Hg are principally used for orthopedic purposes and are primarily prescribed by physicians to prevent or correct bodily deformities and the consequences associated with venous disease. The letters established that it is widely recognized that 20 mm Hg of compression is considered necessary for the treatment of venous disease. We noted in HQ 963517 and HQ 963518 that the physicians stated that they recommend using surgical supports with graduated compression of 20 to 30 mm Hg for several reasons: to prevent telangiectatic matting following sclerotherapy, to prevent thrombus formation and phlebitic reactions following sclerotherapy, to reduce post-operative edema, to prevent venous ulcerations, to prevent venous dermatitis and as treatment protocol for post-operative invasive vascular procedures.

In HQ 963517 and HQ 963518, Customs determined that physicians generally recommend graduated compression therapy as a treatment for venous insufficiency. We further recognized that graduated compression hosiery is generally available in three classes of compression; class I specifically covers a compression range of 20–30 mm Hg. We found that physicians generally prescribe compression stockings and that doctors indicated that patients generally find the hosiery uncomfortable and do not wear them unless directed by a doctor. Moreover, letters from medical authorities and conversations with medical professionals confirmed that certified and well-trained personnel must measure various parts of the foot and leg of a patient in order to obtain a proper fit for the stockings. We also found that pharmacies and medical supply companies prefer that a patient have a prescription that prescribes the amount of compression and noted that stockings obtained by prescription are often covered by insurance. We observed that graduated compression stockings are significantly more expensive than support hosiery of the types generally found in retail stores, noting that panty hose with 20–30 mm Hg compression typically sell for approximately \$75.00 to \$100.00 and similar thigh-high stockings typically sell for \$60.00 to \$95.00 per pair.

² The partial failure of leg veins to carry blood up towards the heart results in venous disorders, which vary in severity from mild varicosity to deep vein thrombosis and thromboembolism. The use of graduated compression stockings is one of the methods used in the prevention and treatment of these disorders. The stockings are constructed so that the maximum pressure is exerted at the ankle and gradually decreasing up the leg, thus achieving a milking effect that helps blood rise toward the heart.

Accordingly, in HQ 963517 and HQ 963518, we concluded that surgical panty hose and stockings with graduated compression ranging from 20–30 mm Hg should be considered surgical hosiery with graduated compression for orthopedic treatment when prescribed by a physician and/or specially fitted to the patient.

As the subject merchandise has a graduated compression range of 20–30 mm Hg and is prescribed by a physician, Customs finds the instant graduated compression hosiery is within the scope of subheading 6115.92.3000, HTSUSA, providing for surgical stockings with graduated compression for orthopedic treatment.

Holding:

Based on the foregoing, style 162 is classified under subheading 6115.92.3000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of cotton: Surgical stockings with graduated compression for orthopedic treatment.” The general column one rate of duty is “Free.”

NY E82592 is hereby MODIFIED, in part. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the CUSTOMS BULLETIN.

JOHN ELKINS,
(for Myles B. Harmon, Director,
Commercial Rulings Division.)

[ATTACHMENT D]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, February 12, 2003.

CLA-2 RR:CR:TE 965918 ttd
Category: Classification
Tariff No. 6115.93.3000

MR. TOM MIESEN
GLORIA-MED AMERICA, INC.
1813 E. John Sims Parkway, Suite 3
Niceville, FL 32578

Re: Modification of New York Ruling Letter E82593, dated June 11, 1999; Classification of Medical Graduated Compression Stockings.

DEAR MR. MIESEN:

This letter concerns New York Ruling Letter (NY) E82593, issued to you on June 11, 1999, regarding the tariff classification of compression hosiery under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). After review of that ruling, Customs has determined that the classification for one of the three styles considered has changed from subheading 6115.93.9020, HTSUSA, as other stockings to subheading 6115.93.3000, HTSUSA, as surgical stockings with graduated compression for orthopedic treatment. For the reasons that follow, this ruling modifies, in part, NY E82593.

Pursuant to section 625(c)(1) Tariff Act of 1930 (19 U.S.C. 1625(c)(1)) as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–82, 107 Stat. 2057, 2186), notice of the proposed modification of NY E82593 was published on January 8, 2003, in the CUSTOMS BULLETIN, Volume 37, Number 2. As explained in the notice, the period within which to submit comments on this proposal was until February 7, 2003. No comments were received in response to this notice.

Facts:

The article under consideration is one style of compression hosiery, identified in NY E82593 as Style Soft 141 (style 141). Style 141 is comprised of 63 percent polyamide and 38

percent elastane fabric, with a decitex of 486. Style 141 supplies graduated compression ranging from 20–30 mm Hg¹ and is prescribed by a physician.

In NY E82593, Customs classified style 141 in subheading 6115.93.9020, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Of synthetic fibers: Other: Other: Other.” We note that at the time NY E82593 was issued we considered the following:

It is Customs position that surgical compression hosiery, because of their construction and application of use, are more than simple compression stockings to treat varicose veins. The hosiery is made of heavy gauge, opaque, elasticized knit fabric, and is designed to supply compression in the range of 30–40 mm mercury to 50–60 mercury. They are prescribed by physicians for the treatment of venous diseases and other serious conditions such as reversible and irreversible lymphedema and severe post-thrombotic treatment.

Issue:

What is the proper classification of the subject graduated compression hosiery under the HTSUSA?

Law and Analysis:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI taken in order. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of these headings.

Heading 6115, HTSUSA, provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted.”

In HQ 963517 and HQ 963518, both dated January 2, 2002, Customs classified stockings with graduated compression ranging 20–30 mm Hg as surgical stockings for orthopedic treatment. To reach our decision, we considered a study evaluating the effects of duration of use of class I (20–30 mm Hg) graduated compression hosiery. See Robert Weiss, Neil Sadick, Mitchel Goldman, & Margaret Weiss, *Post-Sclerotherapy Compression: Controlled Comparative Study of Duration of Compression and its Effects on Clinical Outcome* DERMATOL SURG, 35: 105–108 (1999). This study essentially persuaded our office that compression greater than 20 mm Hg is presently considered necessary for reduction of venous insufficiency.² We noted certain statements made in the study, including “* * * in terms of controlling objective and subjective parameters of venous insufficiency no difference was found between class I (20–30 mm Hg) and class II (30–40 mm Hg) compression stockings.” Based on our review, we found that the study suggested that sclerotherapy results overall can be significantly improved by class I compression and should be part of the post-operative sclerotherapy protocol. In citing other studies, the study concluded that class I (20–30 mm Hg) compression may be recommended over class II since patient compliance is much higher and symptom improvement is identical. See Jungbeck C, Thulin I, Darenheim C, Norgen L. *Graduated Compression Treatment in Patients with Chronic Venous Insufficiency; A Study Comparing Low and Medium Grade Compression Stockings*. PHLEBOLOGIE, 12:142–5 (1997).

Moreover, during our review of HQ 963517 and HQ 963518, this office examined several letters from vascular surgeons and dermatologists familiar with the beneficial effects of compression on the venous system. The letters indicated consensus within the medical community that surgical stockings with graduated compression of 20–30 mm Hg are prin-

¹ Compression is measured by how much pressure is required to elevate a column of Mercury (Hg) a certain distance, as measured in millimeters (mm).

² The partial failure of leg veins to carry blood up towards the heart results in venous disorders, which vary in severity from mild varicosity to deep vein thrombosis and thromboembolism. The use of graduated compression stockings is one of the methods used in the prevention and treatment of these disorders. The stockings are constructed so that the maximum pressure is exerted at the ankle and gradually decreasing up the leg, thus achieving a milking effect that helps blood rise toward the heart.

cipally used for orthopedic purposes and are primarily prescribed by physicians to prevent or correct bodily deformities and the consequences associated with venous disease. The letters established that it is widely recognized that 20 mm Hg of compression is considered necessary for the treatment of venous disease. We noted in HQ 963517 and HQ 963518 that the physicians stated that they recommend using surgical supports with graduated compression of 20 to 30 mm Hg for several reasons: to prevent telangiectatic matting following sclerotherapy, to prevent thrombus formation and phlebotic reactions following sclerotherapy, to reduce post-operative edema, to prevent venous ulcerations, to prevent venous dermatitis and as treatment protocol for post-operative invasive vascular procedures.

In HQ 963517 and HQ 963518, Customs determined that physicians generally recommend graduated compression therapy as a treatment for venous insufficiency. We further recognized that graduated compression hosiery is generally available in three classes of compression; class I specifically covers a compression range of 20–30 mm Hg. We found that physicians generally prescribe compression stockings and that doctors indicated that patients generally find the hosiery uncomfortable and do not wear them unless directed by a doctor. Moreover, letters from medical authorities and conversations with medical professionals confirmed that certified and well-trained personnel must measure various parts of the foot and leg of a patient in order to obtain a proper fit for the stockings. We also found that pharmacies and medical supply companies prefer that a patient have a prescription that prescribes the amount of compression and noted that stockings obtained by prescription are often covered by insurance. We observed that graduated compression stockings are significantly more expensive than support hosiery of the types generally found in retail stores, noting that panty hose with 20–30 mm Hg compression typically sell for approximately \$75.00 to \$100.00 and similar thigh-high stockings typically sell for \$60.00 to \$95.00 per pair.

Accordingly, in HQ 963517 and HQ 963518, we concluded that surgical panty hose and stockings with graduated compression ranging from 20–30 mm Hg should be considered surgical hosiery with graduated compression for orthopedic treatment when prescribed by a physician and/or specially fitted to the patient.

As the subject merchandise has a graduated compression range of 20–30 mm Hg and is prescribed by a physician, Customs finds the instant graduated compression hosiery is within the scope of subheading 6115.93.3000, HTSUSA, providing for surgical stockings with graduated compression for orthopedic treatment.

Holding:

Based on the foregoing, style 141 is classified under subheading 6115.93.3000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of synthetic fibers: Surgical stockings with graduated compression for orthopedic treatment.” The general column one rate of duty is “Free.”

NY E82593 is hereby MODIFIED, in part. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the CUSTOMS BULLETIN.

JOHN ELKINS,
(for Myles B. Harmon, Director,
Commercial Rulings Division.)

[ATTACHMENT E]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, February 12, 2003.

CLA-2 RR:CR:TE 965919 ttd
Category: Classification
Tariff No. 6115.92.3000

MR. TOM MIESEN
GLORIA-MED AMERICA, INC.
1813 E. John Sims Parkway, Suite 3
Niceville, FL 32578

Re: Modification of New York Ruling Letter E82594, dated June 11, 1999; Classification of Medical Graduated Compression Stockings.

DEAR MR. MIESEN:

This letter concerns New York Ruling Letter (NY) E82594, issued to you on June 11, 1999, regarding the tariff classification of compression hosiery under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). After review of that ruling, Customs has determined that the classification for one of the two styles considered has changed from subheading 6115.92.9000, HTSUSA, as other stockings to subheading 6115.92.3000, HTSUSA, as surgical stockings with graduated compression for orthopedic treatment. For the reasons that follow, this ruling modifies, in part, NY E82594.

Pursuant to section 625(c)(1) Tariff Act of 1930 (19 U.S.C. 1625(c)(1)) as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-82, 107 Stat. 2057, 2186), notice of the proposed modification of NY E82594 was published on January 8, 2003, in the CUSTOMS BULLETIN, Volume 37, Number 2. As explained in the notice, the period within which to submit comments on this proposal was until February 7, 2003. No comments were received in response to this notice.

Facts:

The article under consideration is one style of compression hosiery, identified in NY E82594 as Style Cotton 162 (style 162). Style 162 is knee-high and comprised of 66 percent cotton, 17 percent polyamide and 17 percent elastane fabric, with a decitex of 486. It features a covered heel, open toe and elastic band at the top. Style 162 supplies graduated compression ranging from 20–30 mm Hg¹ and is prescribed by a physician.

In NY E82594, Customs classified style 162 in subheading 6115.92.9000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of cotton: Other: Other.” We note that at the time NY E82594 was issued we considered the following:

It is Customs position that surgical compression hosiery, because of their construction and application of use, are more than simple compression stockings to treat varicose veins. The hosiery is made of heavy gauge, opaque, elasticized knit fabric, and is designed to supply compression in the range of 30–40 mm mercury to 50–60 mercury. They are prescribed by physicians for the treatment of venous diseases and other serious conditions such as reversible and irreversible lymphedema and severe post-thrombotic treatment.

Issue:

What is the proper classification of the subject graduated compression hosiery under the HTSUSA?

Law and Analysis:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent

¹ Compression is measured by how much pressure is required to elevate a column of Mercury (Hg) a certain distance, as measured in millimeters (mm).

GRI taken in order. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of these headings.

Heading 6115, HTSUSA, provides for "Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted."

In HQ 963517 and HQ 963518, both dated January 2, 2002, Customs classified stockings with graduated compression ranging 20–30 mm Hg as surgical stockings for orthopedic treatment. To reach our decision, we considered a study evaluating the effects of duration of use of class I (20–30 mm Hg) graduated compression hosiery. See Robert Weiss, Neil Sadick, Mitchel Goldman, & Margaret Weiss, *Post-Sclerotherapy Compression: Controlled Comparative Study of Duration of Compression and its Effects on Clinical Outcome* DERMATOL SURG, 35: 105–108 (1999). This study essentially persuaded our office that compression greater than 20 mm Hg is presently considered necessary for reduction of venous insufficiency.² We noted certain statements made in the study, including " * * * in terms of controlling objective and subjective parameters of venous insufficiency no difference was found between class I (20–30 mm Hg) and class II (30–40 mm Hg) compression stockings." Based on our review, we found that the study suggested that sclerotherapy results overall can be significantly improved by class I compression and should be part of the post-operative sclerotherapy protocol. In citing other studies, the study concluded that class I (20–30 mm Hg) compression may be recommended over class II since patient compliance is much higher and symptom improvement is identical. See Jungbeck C, Thulin I, Darenheim C, Norgen L. *Graduated Compression Treatment in Patients with Chronic Venous Insufficiency: A Study Comparing Low and Medium Grade Compression Stockings*. PHLEBOLOGIE, 12:142–5 (1997).

Moreover, during our review of HQ 963517 and HQ 963518, this office examined several letters from vascular surgeons and dermatologists familiar with the beneficial effects of compression on the venous system. The letters indicated consensus within the medical community that surgical stockings with graduated compression of 20–30 mm Hg are principally used for orthopedic purposes and are primarily prescribed by physicians to prevent or correct bodily deformities and the consequences associated with venous disease. The letters established that it is widely recognized that 20 mm Hg of compression is considered necessary for the treatment of venous disease. We noted in HQ 963517 and HQ 963518 that the physicians stated that they recommend using surgical supports with graduated compression of 20 to 30 mm Hg for several reasons: to prevent telangiectatic matting following sclerotherapy, to prevent thrombus formation and phlebotic reactions following sclerotherapy, to reduce post-operative edema, to prevent venous ulcerations, to prevent venous dermatitis and as treatment protocol for post-operative invasive vascular procedures.

In HQ 963517 and HQ 963518, Customs determined that physicians generally recommend graduated compression therapy as a treatment for venous insufficiency. We further recognized that graduated compression hosiery is generally available in three classes of compression; class I specifically covers a compression range of 20–30 mm Hg. We found that physicians generally prescribe compression stockings and that doctors indicated that patients generally find the hosiery uncomfortable and do not wear them unless directed by a doctor. Moreover, letters from medical authorities and conversations with medical professionals confirmed that certified and well-trained personnel must measure various parts of the foot and leg of a patient in order to obtain a proper fit for the stockings. We also found that pharmacies and medical supply companies prefer that a patient have a prescription that prescribes the amount of compression and noted that stockings obtained by prescription are often covered by insurance. We observed that graduated compression stockings are significantly more expensive than support hosiery of the types generally found in retail stores, noting that panty hose with 20–30 mm Hg compression typically sell

² The partial failure of leg veins to carry blood up towards the heart results in venous disorders, which vary in severity from mild varicosity to deep vein thrombosis and thromboembolism. The use of graduated compression stockings is one of the methods used in the prevention and treatment of these disorders. The stockings are constructed so that the maximum pressure is exerted at the ankle and gradually decreasing up the leg, thus achieving a milking effect that helps blood rise toward the heart.

for approximately \$75.00 to \$100.00 and similar thigh-high stockings typically sell for \$60.00 to \$95.00 per pair.

Accordingly, in HQ 963517 and HQ 963518, we concluded that surgical panty hose and stockings with graduated compression ranging from 20–30 mm Hg should be considered surgical hosiery with graduated compression for orthopedic treatment when prescribed by a physician and/or specially fitted to the patient.

As the subject merchandise has a graduated compression range of 20–30 mm Hg and is prescribed by a physician, Customs finds the instant graduated compression hosiery is within the scope of subheading 6115.92.3000, HTSUSA, providing for surgical stockings with graduated compression for orthopedic treatment.

Holding:

Based on the foregoing, style 162 is classified under subheading 6115.92.3000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of cotton: Surgical stockings with graduated compression for orthopedic treatment.” The general column one rate of duty is “Free.”

NY E82594 is hereby MODIFIED, in part. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the CUSTOMS BULLETIN.

JOHN ELKINS,
(for Myles B. Harmon, Director,
Commercial Rulings Division.)

[ATTACHMENT F]

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE,
Washington, DC, February 12, 2003.
CLA–2 RR:CR:TE 965920 ttd
Category: Classification
Tariff No. 6115.92.3000

MR. TOM MIESEN
GLORIA-MED AMERICA, INC.
1813 E. John Sims Parkway, Suite 3
Niceville, FL 32578

Re: Modification of New York Ruling Letter E82595, dated June 11, 1999; Classification of Medical Graduated Compression Stockings.

DEAR MR. MIESEN:

This letter concerns New York Ruling Letter (NY) E82595, issued to you on June 11, 1999, regarding the tariff classification of compression hosiery under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). After review of that ruling, Customs has determined that the classification for one of the two styles considered has changed from subheading 6115.92.9000, HTSUSA, as other stockings to subheading 6115.92.3000, HTSUSA, as surgical stockings with graduated compression for orthopedic treatment. For the reasons that follow, this ruling modifies, in part, NY E82595.

Pursuant to section 625(c)(1) Tariff Act of 1930 (19 U.S.C. 1625(c)(1)) as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–82, 107 Stat. 2057, 2186), notice of the proposed modification of NY E82595 was published on January 8, 2003, in the CUSTOMS BULLETIN, Volume 37, Number 2. As explained in the notice, the period within which to submit comments on this proposal was until February 7, 2003. No comments were received in response to this notice.

Facts:

The article under consideration is one style of compression hosiery, identified in NY E82595 as Style Cotton 162 (style 162). Style 162 is thigh-high hosiery and comprised of 66

percent cotton, 17 percent polyamide and 17 percent elastane fabric, with a decitex of 486. It features a covered heel, open toe and elastic band at the top. Style 162 supplies graduated compression ranging from 20–30 mm Hg¹ and is prescribed by a physician.

In NY E82595, Customs classified style 162 in subheading 6115.92.9000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of cotton: Other: Other.” We note that at the time NY E82595 was issued we considered the following:

It is Customs position that surgical compression hosiery, because of their construction and application of use, are more than simple compression stockings to treat varicose veins. The hosiery is made of heavy gauge, opaque, elasticized knit fabric, and is designed to supply compression in the range of 30–40 mm mercury to 50–60 mercury. They are prescribed by physicians for the treatment of venous diseases and other serious conditions such as reversible and irreversible lymphedema and severe post-thrombotic treatment.

Issue:

What is the proper classification of the subject graduated compression hosiery under the HTSUSA?

Law and Analysis:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent GRI taken in order. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of these headings.

Heading 6115, HTSUSA, provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted.”

In HQ 963517 and HQ 963518, both dated January 2, 2002, Customs classified stockings with graduated compression ranging 20–30 mm Hg as surgical stockings for orthopedic treatment. To reach our decision, we considered a study evaluating the effects of duration of use of class I (20–30 mm Hg) graduated compression hosiery. See Robert Weiss, Neil Sadick, Mitchel Goldman, & Margaret Weiss, *Post-Sclerotherapy Compression: Controlled Comparative Study of Duration of Compression and its Effects on Clinical Outcome* DERMATOL SURG, 35: 105–108 (1999). This study essentially persuaded our office that compression greater than 20 mm Hg is presently considered necessary for reduction of venous insufficiency.² We noted certain statements made in the study, including “* * * in terms of controlling objective and subjective parameters of venous insufficiency no difference was found between class I (20–30 mm Hg) and class II (30–40 mm Hg) compression stockings.” Based on our review, we found that the study suggested that sclerotherapy results overall can be significantly improved by class I compression and should be part of the post-operative sclerotherapy protocol. In citing other studies, the study concluded that class I (20–30 mm Hg) compression may be recommended over class II since patient compliance is much higher and symptom improvement is identical. See Jungbeck C, Thulin I, Darenheim C, Norgen L. *Graduated Compression Treatment in Patients with Chronic Venous Insufficiency; A Study Comparing Low and Medium Grade Compression Stockings*. PHLEBOLOGIE, 12:142–5 (1997).

Moreover, during our review of HQ 963517 and HQ 963518, this office examined several letters from vascular surgeons and dermatologists familiar with the beneficial effects of compression on the venous system. The letters indicated consensus within the medical

¹ Compression is measured by how much pressure is required to elevate a column of Mercury (Hg) a certain distance, as measured in millimeters (mm).

² The partial failure of leg veins to carry blood up towards the heart results in venous disorders, which vary in severity from mild varicosity to deep vein thrombosis and thromboembolism. The use of graduated compression stockings is one of the methods used in the prevention and treatment of these disorders. The stockings are constructed so that the maximum pressure is exerted at the ankle and gradually decreasing up the leg, thus achieving a milking effect that helps blood rise toward the heart.

community that surgical stockings with graduated compression of 20–30 mm Hg are principally used for orthopedic purposes and are primarily prescribed by physicians to prevent or correct bodily deformities and the consequences associated with venous disease. The letters established that it is widely recognized that 20 mm Hg of compression is considered necessary for the treatment of venous disease. We noted in HQ 963517 and HQ 963518 that the physicians stated that they recommend using surgical supports with graduated compression of 20 to 30 mm Hg for several reasons: to prevent telangiectatic matting following sclerotherapy, to prevent thrombus formation and phlebotic reactions following sclerotherapy, to reduce post-operative edema, to prevent venous ulcerations, to prevent venous dermatitis and as treatment protocol for post-operative invasive vascular procedures.

In HQ 963517 and HQ 963518, Customs determined that physicians generally recommend graduated compression therapy as a treatment for venous insufficiency. We further recognized that graduated compression hosiery is generally available in three classes of compression; class I specifically covers a compression range of 20–30 mm Hg. We found that physicians generally prescribe compression stockings and that doctors indicated that patients generally find the hosiery uncomfortable and do not wear them unless directed by a doctor. Moreover, letters from medical authorities and conversations with medical professionals confirmed that certified and well-trained personnel must measure various parts of the foot and leg of a patient in order to obtain a proper fit for the stockings. We also found that pharmacies and medical supply companies prefer that a patient have a prescription that prescribes the amount of compression and noted that stockings obtained by prescription are often covered by insurance. We observed that graduated compression stockings are significantly more expensive than support hosiery of the types generally found in retail stores, noting that panty hose with 20–30 mm Hg compression typically sell for approximately \$75.00 to \$100.00 and similar thigh-high stockings typically sell for \$60.00 to \$95.00 per pair.

Accordingly, in HQ 963517 and HQ 963518, we concluded that surgical panty hose and stockings with graduated compression ranging from 20–30 mm Hg should be considered surgical hosiery with graduated compression for orthopedic treatment when prescribed by a physician and/or specially fitted to the patient.

As the subject merchandise has a graduated compression range of 20–30 mm Hg and is prescribed by a physician, Customs finds the instant graduated compression hosiery is within the scope of subheading 6115.92.3000, HTSUSA, providing for surgical stockings with graduated compression for orthopedic treatment.

Holding:

Based on the foregoing, style 162 is classified under subheading 6115.92.3000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of cotton: Surgical stockings with graduated compression for orthopedic treatment.” The general column one rate of duty is “Free.”

NY E82595 is hereby MODIFIED, in part. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the CUSTOMS BULLETIN.

JOHN ELKINS,
(for Myles B. Harmon, Director,
Commercial Rulings Division.)

[ATTACHMENT G]

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, DC, February 12, 2003.

CLA-2 RR:CR:TE 965921 ttd
Category: Classification
Tariff No. 6115.93.3000

MR. TOM MIESEN
GLORIA-MED AMERICA, INC.
1813 E. John Sims Parkway, Suite 3
Niceville, FL 32578

Re: Modification of New York Ruling Letter E82596, dated June 11, 1999; Classification of Medical Graduated Compression Stockings.

DEAR MR. MIESEN:

This letter concerns New York Ruling Letter (NY) E82596, issued to you on June 11, 1999, regarding the tariff classification of compression hosiery under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA). After review of that ruling, Customs has determined that the classification for two of the six styles considered has changed from subheading 6115.93.9020, HTSUSA, as other stockings to subheading 6115.93.3000, HTSUSA, as surgical stockings with graduated compression for orthopedic treatment. For the reasons that follow, this ruling modifies, in part, NY E82596.

Pursuant to section 625(c)(1) Tariff Act of 1930 (19 U.S.C. 1625(c)(1)) as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-82, 107 Stat. 2057, 2186), notice of the proposed modification of NY E82596 was published on January 8, 2003, in the CUSTOMS BULLETIN, Volume 37, Number 2. As explained in the notice, the period within which to submit comments on this proposal was until February 7, 2003. No comments were received in response to this notice.

Facts:

The items under consideration are two styles of compression hosiery, identified in NY E82596 as Style Soft 141 (style 141) and Style 151. Both styles are comprised of 68 percent polyamide and 32 percent elastane fabric, with a decitex of 486. Each style supplies graduated compression ranging from 20-30 mm Hg¹ and is prescribed by a physician.

In NY E82596, Customs classified styles 141 and 151 in subheading 6115.93.9020, HTSUSA, which provides for "Panty hose, tights, stockings, socks and other hosiery including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Of synthetic fibers: Other: Other; Other." We note that at the time NY E82596 was issued we considered the following:

It is Customs position that surgical compression hosiery, because of their construction and application of use, are more than simple compression stockings to treat varicose veins. The hosiery is made of heavy gauge, opaque, elasticized knit fabric, and is designed to supply compression in the range of 30-40 mm mercury to 50-60 mercury. They are prescribed by physicians for the treatment of venous diseases and other serious conditions such as reversible and irreversible lymphedema and severe post-thrombotic treatment.

Issue:

What is the proper classification of the subject graduated compression hosiery under the HTSUSA?

Law and Analysis:

Classification of goods under the HTSUSA is governed by the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes. Merchandise that cannot be classified in accordance with GRI 1 is to be classified in accordance with subsequent

¹ Compression is measured by how much pressure is required to elevate a column of Mercury (Hg) a certain distance, as measured in millimeters (mm).

GRI taken in order. The Harmonized Commodity Description and Coding System Explanatory Notes (EN), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the EN provide a commentary on the scope of each heading of the HTSUSA and are generally indicative of the proper interpretation of these headings.

Heading 6115, HTSUSA, provides for "Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted."

In HQ 963517 and HQ 963518, both dated January 2, 2002, Customs classified stockings with graduated compression ranging 20–30 mm Hg as surgical stockings for orthopedic treatment. To reach our decision, we considered a study evaluating the effects of duration of use of class I (20–30 mm Hg) graduated compression hosiery. See Robert Weiss, Neil Sadick, Mitchel Goldman, & Margaret Weiss, *Post-Sclerotherapy Compression: Controlled Comparative Study of Duration of Compression and its Effects on Clinical Outcome* DERMATOL SURG, 35: 105–108 (1999). This study essentially persuaded our office that compression greater than 20 mm Hg is presently considered necessary for reduction of venous insufficiency.² We noted certain statements made in the study, including " * * * in terms of controlling objective and subjective parameters of venous insufficiency no difference was found between class I (20–30 mm Hg) and class II (30–40 mm Hg) compression stockings." Based on our review, we found that the study suggested that sclerotherapy results overall can be significantly improved by class I compression and should be part of the post-operative sclerotherapy protocol. In citing other studies, the study concluded that class I (20–30 mm Hg) compression may be recommended over class II since patient compliance is much higher and symptom improvement is identical. See Jungbeck C, Thulin I, Darenheim C, Norgen L. *Graduated Compression Treatment in Patients with Chronic Venous Insufficiency: A Study Comparing Low and Medium Grade Compression Stockings*. PHLEBOLOGIE, 12:142–5 (1997).

Moreover, during our review of HQ 963517 and HQ 963518, this office examined several letters from vascular surgeons and dermatologists familiar with the beneficial effects of compression on the venous system. The letters indicated consensus within the medical community that surgical stockings with graduated compression of 20–30 mm Hg are principally used for orthopedic purposes and are primarily prescribed by physicians to prevent or correct bodily deformities and the consequences associated with venous disease. The letters established that it is widely recognized that 20 mm Hg of compression is considered necessary for the treatment of venous disease. We noted in HQ 963517 and HQ 963518 that the physicians stated that they recommend using surgical supports with graduated compression of 20 to 30 mm Hg for several reasons: to prevent telangiectatic matting following sclerotherapy, to prevent thrombus formation and phlebotic reactions following sclerotherapy, to reduce post-operative edema, to prevent venous ulcerations, to prevent venous dermatitis and as treatment protocol for post-operative invasive vascular procedures.

In HQ 963517 and HQ 963518, Customs determined that physicians generally recommend graduated compression therapy as a treatment for venous insufficiency. We further recognized that graduated compression hosiery is generally available in three classes of compression; class I specifically covers a compression range of 20–30 mm Hg. We found that physicians generally prescribe compression stockings and that doctors indicated that patients generally find the hosiery uncomfortable and do not wear them unless directed by a doctor. Moreover, letters from medical authorities and conversations with medical professionals confirmed that certified and well-trained personnel must measure various parts of the foot and leg of a patient in order to obtain a proper fit for the stockings. We also found that pharmacies and medical supply companies prefer that a patient have a prescription that prescribes the amount of compression and noted that stockings obtained by prescription are often covered by insurance. We also noted that graduated compression stockings are significantly more expensive than support hosiery of the types generally found in retail stores, noting that panty hose with 20–30 mm Hg compression typically sell

² The partial failure of leg veins to carry blood up towards the heart results in venous disorders, which vary in severity from mild varicosity to deep vein thrombosis and thromboembolism. The use of graduated compression stockings is one of the methods used in the prevention and treatment of these disorders. The stockings are constructed so that the maximum pressure is exerted at the ankle and gradually decreasing up the leg, thus achieving a milking effect that helps blood rise toward the heart.

for approximately \$75.00 to \$100.00 and similar thigh-high stockings typically sell for \$60.00 to \$95.00 per pair.

Accordingly, in HQ 963517 and HQ 963518, we concluded that surgical panty hose and stockings with graduated compression ranging from 20–30 mm Hg should be considered surgical hosiery with graduated compression for orthopedic treatment when prescribed by a physician and/or specially fitted to the patient.

As the subject merchandise has a graduated compression range of 20–30 mm Hg and is prescribed by a physician, Customs finds the instant graduated compression hosiery is within the scope of subheading 6115.93.3000, HTSUSA, providing for surgical stockings with graduated compression for orthopedic treatment.

Holding:

Based on the foregoing, style 141 and style 151 are classified under subheading 6115.93.3000, HTSUSA, which provides for “Panty hose, tights, stockings, socks and other hosiery, including stockings for varicose veins, and footwear without applied soles, knitted or crocheted: Other: Of synthetic fibers: Surgical stockings with graduated compression for orthopedic treatment.” The general column one rate of duty is “Free.”

NY E82596 is hereby MODIFIED, in part. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the CUSTOMS BULLETIN.

JOHN ELKINS,
(for Myles B. Harmon, Director,
Commercial Rulings Division.)